Supreme Court, U.S.
FILED
DEC 22 1986
JOSEPH F. SPANIOL, JR.
CLERK

JAN 15 PAGE 2

No. 86-807

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1986

ROBERT K. MORROW, INC., Trustee,

Petitioner,

vs.

AGRI-BEEF CO., INDEPENDANT GRAIN CO., and WALDRIP BROS. CO.,

Respondents.

On Petition for a Writ of Certiorari

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

NEWCOMB, SABIN, SCHWARTZ & LANDSVERK
Jack B. Schwartz*
Richard S. Pope
1212 Commonwealth Building
421 S.W. Sixth Avenue
Portland, Oregon 97204
(503) 228-8446

Counsel for Respondent
Waldrip Bros. Co.

*Counsel of Record

December 22, 1986

TABLE OF CONTENTS

	Page
Table of Contents	i
Argument	1
Conclusion	2

I. ARGUMENT

In this case, due to its small value, the trustee in bankruptcy had decided not to prosecute a petition for certiorari. He changed his mind only after he was approached by several outside counsel who have a similar issue, involving large sums of money, pending in other bankruptcy cases.

Respondent cannot afford to litigate its $11,000 claim in the United States Supreme Court. The Court would be ill-served by granting certiorari in this case. If it were to take the issue, it would be best to do so in one of the pending cases where the true interests of counsel for petitioners lie. In such a case, unlike here, the court could expect vigorous advocacy on both sides of the issue.

CONCLUSION

The Court Should deny the petition for certiorari filed in this case.

DATED: December 22, 1986

Respectfully submitted,

NEWCOMB, SABIN, SCHWARTZ & LANDSVERK

Jack B. Schwartz
Richard S. Pope

Counsel for Respondent
Waldrip Bros. Co.